

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON	:	Civil Action No. 3:16-md-2738-FLW-LHG
TALCUM POWDER PRODUCTS	:	
MARKETING, SALES PRACTICES	:	
AND PRODUCTS LIABILITY	:	MDL No. 2738
LITIGATION	:	
	:	
	:	

**STATUS REPORT AND PROPOSED JOINT AGENDA
FOR JUNE 23, 2021 STATUS CONFERENCE**

I. STAGE THREE DISCOVERY POOL CASES.

Discovery is proceeding in the Stage Three cases pursuant to the Court's March 3, 2021 Order. Plaintiffs shall designate all general and case specific experts and serve on Defendants expert reports by July 2, 2021. Depositions of Plaintiffs' expert witnesses shall be completed by August 27, 2021. Defendants shall designate all general and case specific experts and serve on plaintiffs' counsel expert reports by October 15, 2021. Any depositions of Defendants' expert witnesses shall be completed by December 3, 2021.

II. DEFENSE COMPANY WITNESS DEPOSITIONS.

Over the last several months, Plaintiffs have deposed five current or former employees. These depositions have been coordinated with other state cases. The parties are continuing to work together to schedule additional current and former employee depositions, as well as 30(b)(6) depositions. Johnson & Johnson's now retired in-house litigation counsel John C. O'Shaughnessy, Esq., will be deposed this week in the state court mesothelioma litigation and next week in the MDL; Judge Schneider will preside over both depositions.

III. PRIVILEGE CHALLENGES.

Judge Schneider is overseeing the review of the Plaintiffs' Steering Committee's challenge of certain documents withheld by the J&J Defendants as

privileged. A hearing was held before Judge Schneider on June 18. There are outstanding issues including redactions and specific requests for performance reviews. While some of the issues have been addressed and ruled upon, a current issue before Judge Schneider concerns the request for production of performance evaluations of retired Associate General Counsel John C. O’Shaughnessy. The issue was brought before Judge Schneider on June 18, 2021. Judge Schneider has requested the parties prepare a letter brief by Tuesday, June 22, 2021, in advance of his ruling.

IV. REPORT ON FEDERAL DOCKET.

As of June 9, 2021: There are currently 29,050 cases, totaling 29,416 plaintiffs, pending in the MDL in which the Johnson & Johnson defendants have been served.

V. STATE COURT OVARIAN CANCER LITIGATION.

As of June 9, 2021:

California: There are approximately 622 ovarian cancer cases involving 679 plaintiffs pending in the California coordinated proceeding, *Johnson & Johnson Talcum Powder Cases*.

Delaware: There are currently 9 consolidated cases pending in the Superior Court of Delaware in which the Johnson & Johnson defendants have been served.

Missouri: There are currently 26 cases, with a total of 795 plaintiffs pending in the 22nd Judicial Circuit Court, St. Louis (City) in which the Johnson & Johnson defendants have been served. There are currently two cases with a total of 38 plaintiffs pending in the 23rd Judicial Circuit Court, Jefferson County in which the Johnson & Johnson defendants have been served. On November 3, 2020, the Missouri Supreme Court declined to review the decision of a lower appellate court in *Ingham v. Johnson & Johnson, et al.*, affirming the decision of a trial court in favor of plaintiffs, subject to a remittitur of the verdict. On June 1, 2021, the United States Supreme Court denied Defendants’ Petition for Writ of Certiorari. A three-plaintiff trial is currently scheduled to begin in *Forrest, et al. v. Johnson & Johnson, et al.* on September 10, 2021. A trial is currently scheduled to begin in *Swann, et al. v. Johnson & Johnson, et al.*, on October 28, 2021.

New Jersey: There are currently 1,291 cases pending in the Atlantic County Superior Court Multicounty Litigation, *In re: Talc-Based Powder Products Litigation*, Case No. 300.

Florida: There are 51 cases pending in Florida state court. A trial is currently scheduled to begin in *Matthey, et al., v. Johnson & Johnson, et al.*, in Sarasota County, Florida, on October 18, 2021.

Georgia: There are 38 cases pending in Georgia state court. A trial is currently scheduled to begin in *Monroe v. Johnson & Johnson, et al.*, in Richmond County, Georgia, on September 13, 2021.

Illinois: There are 60 cases pending in Illinois state court. A trial is currently scheduled to begin in *Cadagin v. Johnson & Johnson, et al.* in St. Clare, County, Illinois, on July 12, 2021.

Pennsylvania: There are 27 cases pending in Pennsylvania state court. A trial is currently scheduled to begin in *Kleiner, et al. v. Johnson & Johnson, et al.*, in the Court of Common Pleas, Philadelphia County, Pennsylvania, on August 2, 2021.

Louisiana: There are 37 cases pending in Louisiana State Court.

Arizona: There is one case pending in Pima County, Arizona.

New Mexico: There is one case pending in Santa Fe County, New Mexico.

Rhode Island: There is one case pending in Providence County, Rhode Island.

Virginia: There is one case pending in Chesapeake County, Virginia.

VI. DUPLICATE FILED CASES.

There are 205 plaintiffs in this MDL who have multiple MDL cases pending. The parties will continue to confer on proposed orders dismissing duplicate filed cases.

VII. STATUS OF PENDING MOTIONS.

The list of motions pending in individual cases is attached hereto as Exhibit A, including the Motions for Summary Judgment filed in four Stage Two cases on June 18. Plaintiffs' oppositions to Motions for Summary Judgment are due on July 9, 2021.

The PSC's Motion for Leave to file a First Amended Master Complaint is fully briefed and has been referred to Magistrate Judge Goodman.

Respectfully submitted,

s/Susan M. Sharko

Susan M. Sharko
FAEGRE DRINKER BIDDLE & REATH
LLP
600 Campus Drive
Florham Park, New Jersey 07932
Telephone: 973-549-7000
Facsimile: 973-360-9831
Email: susan.sharko@faegredrinker.com

s/John H. Beisner

John H. Beisner
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005
Telephone: 202-371-7000
Facsimile: 202-661-8301
Email: john.beisner@skadden.com

s/Thomas T. Locke

Thomas T. Locke
SEYFARTH SHAW LLP
975 F. Street, NW
Washington, DC 20004
Telephone: 202 463-2400
Email: tlocke@seyfarth.com

s/Michelle A. Parfitt

Michelle A. Parfitt
ASHCRAFT & GEREL, LLP
4900 Seminary Road, Suite 650
Alexandria, VA 22311
Telephone: 703-931-5500
Email: mparfitt@ashcraftlaw.com

s/P. Leigh O'Dell

P. Leigh O'Dell
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
218 Commerce Street
Montgomery, Alabama 36104
Telephone: 334-269-2343
Email: leigh.odell@beasleyallen.com

s/Christopher M. Placitella

Christopher M. Placitella
COHEN PLACITELLA ROTH, PC
127 Maple Avenue
Red Bank, NJ 07701
Telephone: 888-219-3599
Facsimile: 215-567-6019
Email: cplacitella@cprlaw.com

EXHIBIT A**STATUS OF PENDING MOTIONS IN INDIVIDUAL CASES**

Case Name	Case No.	Status of Pending Motions
<i>Abram, Edwina, et al. v. Johnson & Johnson, et al.</i>	3:20-cv-01276	Motion to Remand filed February 11, 2020. Fully Briefed. PTI Royston, LLC's Renewed Motion to Dismiss. Fully Briefed. PTI Union, LLC's Renewed Motion to Dismiss Plaintiffs' Petition for Failure to State a Claim. Fully Briefed. Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on March 23, 2020.
<i>Akins, Diane, et al. v. Johnson & Johnson, et al.</i>	3:19-cv-16059	Motion to Remand filed on August 29, 2019. Fully Briefed. PTI Royston, LLC's Motion to Dismiss for Lack of Jurisdiction filed August 29, 2019. Fully Briefed. PTI Union, LLC's Motion to Dismiss Plaintiffs' First Amended Petition for Failure to State a Claim filed on August 29, 2019. Fully Briefed. Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on September 23, 2019.

Case Name	Case No.	Status of Pending Motions
<i>Stalnaker, Velma ,et al. v. Johnson & Johnson, et al.</i>	3:20-cv-06780	<p>Plaintiff's Motion to Remand filed July 2, 2020. Fully briefed.</p> <p>PTI Royston, LLC's Renewed Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim filed July 6, 2020. Fully Briefed.</p> <p>PRI Union, LLC's Renewed Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim filed July 6, 2020. Fully Briefed.</p> <p>Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on July 20, 2020.</p>
<i>Cox, Martha</i>	3:20-cv-06779	<p>Motion to Remand filed July 20, 2020. Fully Briefed.</p> <p>PTI Royston, LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>
<i>Denney, Connie</i>	3:20-cv-06781	<p>Motion to Remand filed July 20, 2020. Fully Briefed.</p> <p>PTI Royston, LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>
<i>Fust, Carol</i>	3:20-cv-12394	<p>Motion to Remand filed on September 8, 2020. Fully Briefed.</p> <p>PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim filed October 8, 2020. Fully briefed.</p>
<i>Gregory, Sonna</i>	3:20-cv-10112	<p>Motion to Remand filed on September 8, 2020. Fully Briefed.</p> <p>PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>

Case Name	Case No.	Status of Pending Motions
<i>Sumner, Cheryl</i>	3:20-cv-06825	Motion to Remand filed July 20, 2020. Fully Briefed. PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.
<i>Weaver, Tammy</i>	3:20-cv-03744	Motion to Remand filed June 1, 2020. Fully Briefed. PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.
<i>Hill, Linda H.</i>	3:18-cv-08344	J&J Defendants' Omnibus Motion for Summary Judgment filed June 18, 2021. Plaintiff's opposition is due July 9, 2021.
<i>Landreth, Bobbie N.</i>	3:17-cv-11788	J&J Defendants' Omnibus Motion for Summary Judgment filed June 18, 2021. Plaintiff's opposition is due July 9, 2021.
<i>Scroggins, Michael o/b/o Bertha M. Walton</i>	3:18-cv-12766	J&J Defendants' Omnibus Motion for Summary Judgment filed June 18, 2021. Plaintiff's opposition is due July 9, 2021.
<i>Williams, Carol J.</i>	3:19-cv-18778	J&J Defendants' Omnibus Motion for Summary Judgment filed June 18, 2021. Plaintiff's opposition is due July 9, 2021.